

Message Text

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15

ACTION NEA-16

INFO OCT-01 ISO-00 SCS-03 SCA-01 L-03 H-03 USIE-00 PRS-01

SY-04 CIAE-00 INR-11 NSAE-00 RSC-01 INRE-00 SSO-00

DRC-01 /045 W

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O 100445Z SEP 74

FM AMCONSUL CALCUTTA

TO SECSTATE WASHDC IMMEDIATE 4136

INFO AMEMBASSY NEW DELHI IMMEDIATE

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E.O. 11652: N/A

TAGS: CASC, PFOR, IN

SUBJ: HARCOS/FLETCHER

REF: STATE 197524

1. STORY BY REUTERS INACCURATE ON NUMBER OF ACCOUNTS:

2. HIGH COURT DID NOT RPT NOT OVERTURN LOWER COURT RULING REGARDING INSPECTION OF DOCUMENTS. DECISION ON THIS MATTER HAS BEEN POSTPONED UNTIL SEPT. 13 AT 1030. HEARING IS SCHEDULED TO BE OPEN AND IF SO, O'NEILL WILL ATTEND.

(FYI ONLY: DEFENSE LAWYER BHOSE ADVISED CONSUL O'NEILL SHORTLY AFTER RETURNING FROM THE HEARINGS ON SEPT. 9 THAT HE FELT CONFIDENT THAT THE PROSECUTION WOULD LOSE THE APPEAL BARRING DEFENSE FROM INSPECTION OF DOCUMENTS BECAUSE OF THE NUMBER OF SHARP QUESTIONS PUT TO THE PROSECUTION BY THE JUDDGE. END GYL.)

2. CONSUL O'NEILL'S PETITION WAS HELD IN ABEYANCE PENDING RELEASE OF HARCOS/FLETCHER FROM PRESIDENCY JAIL (SEE CALCUTTA 1874). THIS MATTER HAS SINCE BEEN RESCHEDULED IN CONJUNCTION WITH BAIL QUESTION FOR HEARING ON SEPT. 17 AT 1400 HOURS. O'NEILL WILL ATTEND SESSION.

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3. HARCOS AND FLETCHER ARE DEFINITELY PHYSICALLY WEAKER THAN TWO WEEKS AGO--HOW MUCH IS DIFFICULT TO DETERMINE BUT IT SHOULD BE REMEMBERED THAT THEY HAVE BEEN ON HUNGER STRIKE FOR A CONSIDERABLE TIME. THEIR WEIGHT AS OF SEPT. 6 WAS HARCOS 124 LBS. AND FLETCHER 119 LBS. BECAUSE BOTH WERE AT COURT O'NEILL WAS UNABLE TO SEE THEM ON MONDAY (ONE OF THREE REGULAR VISITING DAYS) AT THE JAIL. WE WILL REPORT MORE FULLY ON PHYSICAL CONDITION AFTER O'NEILL'S VISIT ON WEDNESDAY, SEPT. 11.

4. HOUSE ARREST AS NOW ENVISAGED BY PUBLIC PROSECUTOR WOULD RESTRICT HARCOS AND FLETCHER TO LIMITED AREA UNDER CONSTANT POLICE SUPERVISION. THIS AREA IS TO INCLUDE BEDROOM, BATHROOM AND POSSIBLE COOKING FACILITIES. NO CONTACT WITH OUTSIDERS WOULD BE ALLOWED WITH THE EXCEPTION OF PHYSICIAN AND LAWYERS WITH PERMISSION OF PUBLIC PROSECUTOR. NO MENTION WAS MADE OF CONSULAR ACCESS WHICH WAS REASON FOR O'NEILL'S PETITION.

5. AS OF 1000 HOURS SEPT. 10, AMERICAN EXPRESS CALCUTTA STILL HAS NOT RECEIVED MONEY FROM MISS DONOVAN EITHER IN THE NAME OF O'NEILL OR FLETCHER (SEE CALCUTTA 1851). RECEIPT OF ADDITIONAL FUNDS IN SUBSTANTIAL AMOUNT (FOR BAIL, QUARTERS RENT, FOOD AS WELL AS RECURRING FEES FOR LAWYERS) IS ESSENTIAL NOW. PICKERING

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PRESS COMMENTS, TRIALS, COURT DECISIONS, PRISONERS WELFARE, HOUSE ARREST
Control Number: n/a
Copy: SINGLE
Draft Date: 10 SEP 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: kelleyw0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974CALCUT01876
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740251-0156
From: CALCUTTA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740961/aaaabzgz.tel
Line Count: 87
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION NEA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: STATE 197524
Review Action: RELEASED, APPROVED
Review Authority: kelleyw0
Review Comment: n/a
Review Content Flags:
Review Date: 16 AUG 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16-Aug-2002 by cunninfx>; APPROVED <06 MAR 2003 by kelleyw0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: HARCOS/FLETCHER
TAGS: CASC, PFOR, IN, (HARCOS), (FLETCHER)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005